

**OFFICIAL INFORMATION\*\*CONFIDENTIAL\*\*EVIDENCE CODE SECTION 1040  
INTRADEPARTMENTAL CORRESPONDENCE**

DATE: February 18, 2020  
TO: Honorable Board of Police Commissioners  
FROM: Inspector General  
SUBJECT: NON-TACTICAL UNINTENTIONAL DISCHARGE 014-19 FOR 2/25/20  
CLOSED-SESSION AGENDA

<u>Division</u>	<u>Date</u>	<u>Time</u>	<u>Duty-On ( ) Off (X)</u>	<u>Uniform-Yes ( ) No (X)</u>
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Outside City	4/16/19	9:09 p.m.		
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<u>Officer(s) Involved in Use of Force</u>	<u>Length of Service</u>
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Sampson, W./PO I	8 months
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<u>Total Involved Officer(s)</u>
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1 x PO I

<u>Suspect</u>	<u>Deceased ( )</u>	<u>Wounded ( )</u>	<u>Non-Hit ( )</u>
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Does not apply.

**COP Recommendations**

**Tactics** – Tactical Debrief, Officer Sampson.

**Drawing/Exhibiting** – Does not apply.

**Unintentional Discharge** – Administrative Disapproval, Negligent Discharge, Officer Sampson.

**IG Recommendations**

**Tactics** – Same as COP.

**Drawing/Exhibiting** – Does not apply.

**Unintentional Discharge** – Same as COP.

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## **INVESTIGATION**

### **Annotated Force Investigation Division (FID) Incident Summary<sup>1</sup>**

#### **Synopsis**

On April 16, 2019, Van Nuys Patrol Division Police Officer I Walter Sampson, Serial No. 43662, was off-duty inside his residence, located at 2401 South Hacienda Boulevard, Hacienda Heights. Officer Sampson was in his living room with his wife, Jazmin Sampson, when a Non-Tactical, Unintentional Discharge (NTUD) occurred with his off-duty pistol. Officer Sampson suffered a non-life threatening single gunshot wound to his left leg. Deputies from the Los Angeles County Sheriff's Department, as well the Los Angeles County Fire Department responded to this incident.

#### **Investigative Summary**

On Tuesday, April 16, 2019, Officer Walter Sampson, was off-duty at home with his family. He was assigned to Watch three uniformed patrol and had worked the night before. According to Officer Sampson, he woke up at approximately 2045 hours and joined his wife Jazmin Sampson, and their three children in the dining room for dinner.<sup>2</sup> According to Officer Sampson, a few minutes after joining his family for dinner, he decided to walk to the nearby 7-Eleven to purchase something to drink for the family. Officer Sampson retrieved his off-duty, 9mm, Smith and Wesson, Shield pistol, from a locked box. After retrieving his pistol, he loaded it, placed it in his right-front pants pocket without a holster, and exited the apartment (Investigator Note No. 1).<sup>3</sup>

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<sup>1</sup> The Incident Summary presented here is reproduced from FID's report regarding this case, and is supplemented with annotations by the OIG. All OIG annotations are referenced as an "OIG Note." All other references and citations in the reproduced FID Incident Summary (e.g., Investigators' Notes or Addenda Items) are reproduced directly from FID's report. Unless otherwise stated, all information provided in OIG annotations is derived from FID's investigation of this incident.

<sup>2</sup> Sampson children were identified as Jayda, age 5, and Walter and Jordan, ages 6.

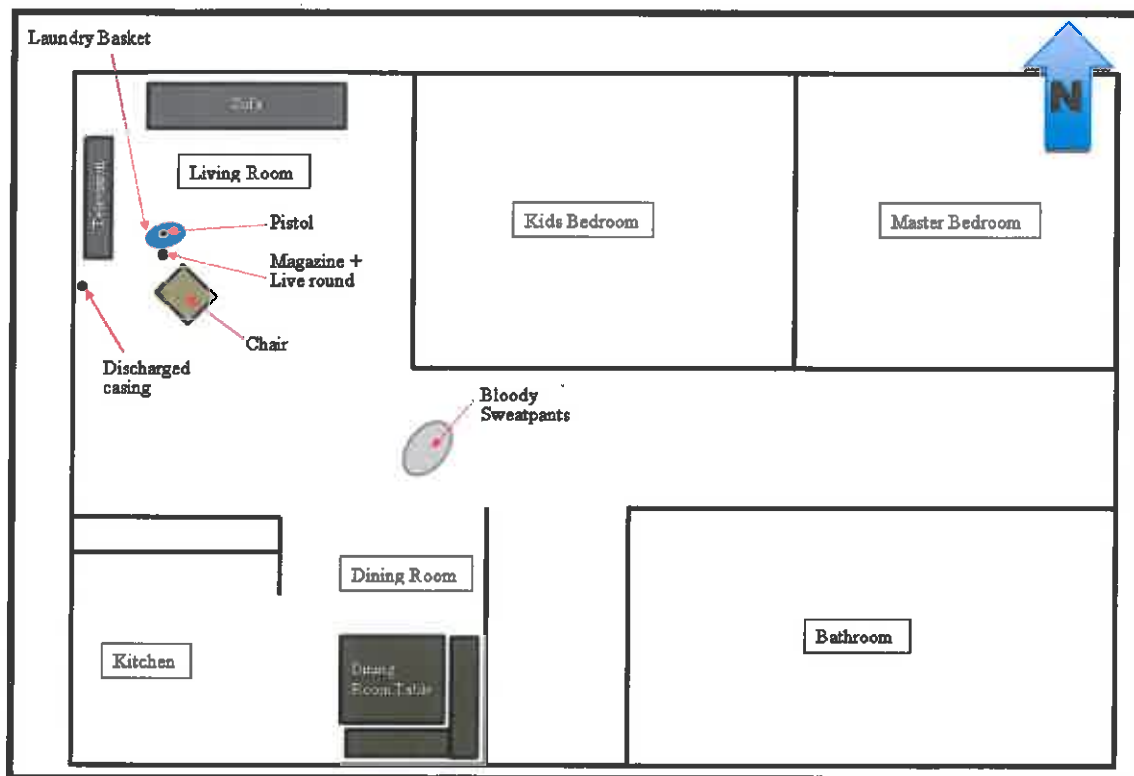
<sup>3</sup> The 7-Eleven convenience store that Officer Sampson walked to was located at 15780 Tetley Street, Hacienda Heights. The distance to the 7-Eleven is approximately 633 feet.



According to Officer Sampson, he arrived home from the 7-Eleven approximately 10 minutes later, and the children were finished eating and put to bed for the evening in their bedroom. After placing the children in bed, Officer Sampson and Jazmin sat in the living room watching television (Investigator Note No. 2).

Officer Sampson sat in a recliner chair located near the middle of the living room, which faced in a northwest direction. The living room television sat along the west wall, just a couple feet away from the recliner. According to Officer Sampson, he was watching "Love and Hip-Hop," while Jazmin sat on the living room sofa, wearing headphones and was watching "Game of Thrones" on her cellular telephone. The sofa was located against the north wall and faced south toward the recliner Officer Sampson was sitting in.

[This section intentionally left blank.]



**The above diagram of the interior of Sampson's apartment is not to scale**

At approximately 2107 hours, According to Officer Sampson, he was going to put his pistol away and attempted to remove his pistol from his right front pants pocket. According to Officer Sampson, he leaned back, lifted and stretched his left leg out, while reaching into his right-front pants pocket with his right hand to remove the pistol. According to Officer Sampson, as he began to remove the pistol from his pocket, he unintentionally placed his finger on the trigger and discharged a round. According to Officer Sampson's position at the time the pistol was discharged, the bullet traveled in a westerly direction, striking Officer Sampson in the left leg, just above the knee (Injury Photograph).

**Note:** According to Officer Sampson, he had his debit card, police I.D. and keys in the same pocket as his pistol.

According to Officer Sampson, the reason he placed his finger on the trigger was: *"Just a lack of respect for the weapon. Just not being focused. It was definitely my fault. Definitely something that could have been prevented (Investigator Note No. 3)."*<sup>4</sup>

According to Jazmin, she did not see the pistol discharge because she was looking down at her cellphone. Jazmin did; however, recall seeing Officer Sampson in her

<sup>4</sup> Sampson, Pages 27-28, Lines 23-1.

peripheral, making a motion consistent with him extending his legs. According to Jazmin, the gunshot was loud and startled her causing her ears to ring. Jazmin looked up and saw Officer Sampson quickly stand up from the chair. Jasmin asked Officer Sampson what had happened, and he replied that he had shot himself. According to Officer Sampson, he told Jasmine to call 911 (911 call).

**Note:** According to Jazmin, Officer Sampson walked back and forth from the living room to the dining room in attempt to deal with the pain.

Officer Sampson then placed his pistol in a laundry basket which was located directly in front of the recliner he was sitting in. Sampson then walked toward the front door, and then sat down on the floor, adjacent to the dining table.

According to Officer Sampson, *"And I stood up. I walked toward the door. That's when I just laid down. The blood just started coming out way too much. And I took my pants off so I could see where the gunshot wound was".<sup>5</sup>*

As Officer Sampson sat on the floor, Jazmin applied pressure to the gunshot wound as directed by the 911 operator. According to Officer Sampson, he called Van Nuys Watch Commander Lieutenant I Manuel Martinez, Serial No. 27419, and advised him of the NTUD as he waited for emergency personnel to arrive (Addendum No. 1).

**Note:** The pants Officer Sampson wore were grey, cotton, Nike sweat pants. The bloodied sweat pants were left in place on the living room floor and photographed at scene by Technical Investigation Division (TID) Photographer Francisco Govea, Serial No. N5606, bearing Control No. D0769168. After the scene investigation was complete, the sweat pants were collected and booked as evidence at LAPD Property Division.

At approximately 2112 hours, Los Angeles County Sheriff's Department, Industry Station Deputies Richard Mendoza, Serial No. 518617, and Sebastian Pombal, Serial No. 616643, arrived on scene. Upon entering the apartment, Deputy Pombal placed a temporary tourniquet on Officer's Sampson's leg to prevent blood loss.

Deputy Mendoza located the pistol Officer Sampson had shot himself with lying in the laundry basket located in the living room. Deputy Mendoza rendered the pistol safe by removing the pistols magazine from the pistol and round from the pistols chamber. After rendering the pistol safe, Deputy Mendoza placed the pistol with the slide locked to the rear on top of the clothing inside the laundry basket. Deputy Mendoza then placed the magazine and round from the chamber on the floor next to the laundry basket (Investigator Note No. 4).

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<sup>5</sup> *Id.*, Page 6, Lines 3-7.

Deputies Mendoza and Pombal subsequently conducted their investigation and completed an Accidental Shooting with Injuries Report, bearing File No. 919-04966-146-486 (Addendum No. 2).

**Note:** According to the deputies' report, Officer Sampson stated he had held the pistol in his left hand; however, during his interview with FID investigators, Officer Sampson clarified that the information the deputies had was incorrect. According to Officer Sampson, he was right hand dominant and the pistol was in his right hand, not his left when he discharged it. According to Officer Sampson, he did not recall speaking to the deputies at the time and believed he was in shock and pain immediately following the incident.

At approximately 2119 hours, members from the Los Angeles County Fire Department Fire Station No. 118, arrived on scene. Firefighter/Paramedics Mark Sahmy, Serial No. 544995, and Randal Southwick, Serial No. 607149, began treating Officer Sampson for a single gunshot wound to his left leg.

At approximately 2124 hours, CARE Ambulance company, staffed by Emergency Medical Technicians arrived on scene. At approximately 2140 hours, Officer Sampson was transported by ambulance to Pomona Valley Medical Center (PVMC), located at 1798 Pomona Avenue, Pomona California, 91767. At approximately 2159 hours, CARE Ambulance arrived at the hospital with Officer Sampson where he was treated by Surgeon Andrew H. Singleton, MD for his gunshot wound.

### **Scene Description**

The NTUD occurred along the 2400 block of South Hacienda Boulevard, in the City of Hacienda Heights. Hacienda Boulevard is a north/south roadway with parking along the east and west raised curbs. The neighborhood consisted primarily of single-family residences, apartment buildings and some commercial and retail businesses.

The NTUD occurred in evening at approximately 2107 hours, inside the living room area of Apartment No. 20, Building H, at 2401 Hacienda Boulevard. The lighting was artificial which was provided by indoor lamps. The weather conditions were clear and dry; however, since the incident occurred indoors, the outdoor environmental conditions were not a factor.

### **Canvass for Witnesses**

On April 16, 2019, FID personnel canvassed the apartment building where the NTUD occurred. Due to the incident occurring inside of a closed apartment and the hour of occurrence, only one neighboring resident (Sal Tapia) was identified as a Heard Only witness. According to Tapia he was home alone in his bedroom when he heard what he believed was a fire cracker. According to Tapia, he did not hear anything else. Nine additional apartments were door knocked and did not answer their doors. Business

cards were left at the apartments; however, investigators have not received any call backs from residents.

**Note:** Due to the negative results for alcohol on Sampson's blood screen at the hospital, investigators did not retrieve video from the 7-11.

## **Injuries**

Los Angeles County Fire Department Fire Station Firefighter/Paramedics responded to the scene and treated Officer Sampson for a single gunshot wound to his left leg.

CARE Ambulance company Emergency Medical Technicians arrived on scene and transported Officer Sampson by ambulance to Pomona Valley Medical Center. Officer Sampson was treated by Surgeon Andrew H. Singleton, MD for a single gunshot wound to the left leg under patient No. 528983687.

## **Gunshot Wound**

The entry wound was to the left upper anterior thigh, just above the knee. The bullet did not exit the leg and remained in the area of the left calf. The gunshot wound was not life threatening (Addendum No. 3).

## **Evidence**

On April 17, 2019, Doctor Andrew Singleton removed the bullet from Officer Sampson's left leg and handed it to Los Angeles County Sheriff's Deputies Gustavo Hernandez, Serial No. 461782, and Darren Jaramillo, Serial No. 506199. Deputy Hernandez subsequently transported the bullet back to 2401 South Hacienda Boulevard, where he handed it to FID Detective II Guillermo Medina, Serial No. 35905 (Addendum No. 4).

The bullet, cartridge casing and the pants Officer Sampson was wearing were booked into Property Division, under Division of Record No. 199915789 (Addendum No. 5).

During the deputy's investigation, Deputy Pombal was directed by Officer Sampson to an additional pistol, located in the Master Bedroom closet. Deputy Pombal recovered and rendered that weapon safe and placed it in a manila envelope. Deputy Pombal turned that pistol over to Detective II John Macchiarella, Serial No. 35095, FID. That pistol was identified as a stainless steel, Jimenez, Model No. JA9, 9mm, semi-automatic pistol.

**OIG Note No. 1:** According to Officer Sampson, "I keep that firearm in the house just for my wife's purposes. And the – both my office duty weapons don't fit into the – this gun box, so this one is like up in my closet high, you



*know? So no one knows about it but my wife, just if she needed to get to it.”<sup>6</sup>*

### **Clothing Analysis**

At the time of the incident Officer Sampson was wearing gray Nike sweatpants. Officer Sampson's sweatpants sustained a single defect on the front left pant leg near the thigh/knee area. The defect on the sweatpants was consistent with a bullet traveling front to back with no exit. The defect was consistent with Officer Sampson's account and evidence at scene; therefore, no additional testing was done related to the defect.

### **Weapons**

Officer Sampson's 9mm, blue steel, Smith and Wesson, Shield, semi-automatic pistol, bearing Serial No. JBH0257, was recovered by FID investigators at scene. On April 17, 2019, the weapon was taken to the Firearms Analysis Unit (FAU) for testing (Addendum No. 6).

***OIG Note No. 2:*** *The OIG confirmed with FID that this weapon had been entered into the Department's Firearm Inventory Tracking System (FITS) on February 1, 2019.*

Officer Sampson also had a 9mm, blue steel, Jimenez Arms, Model J.A. Nine, semi-automatic pistol, bearing Serial No. 253538, which was recovered by FID investigators at scene in Sampson's bedroom. It was determined by FAU that this pistol was uninvolved in this incident.

### **Firearms Analysis**

On May 21, 2019, Forensic Sciences Division (FSD) FAU Criminalist II Brian Reinarz, Serial No. N5624, examined and test-fired Sampson's pistol and determined that the pistol functioned as designed (Addendum No. 7).

Criminalist Reinarz determined that the discharged cartridge case (Item No. 2), collected from 2401 South Hacienda Boulevard, Hacienda Heights inside of Sampson's apartment was consistent with the test fired casings fired from Sampson's Smith & Wesson, 9mm, Shield pistol, Serial No. JBH0257 (Addendum No. 8).

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<sup>6</sup> Sampson, Page 29, Line 25 and Page 26, Lines 1-5.

## **Visual Documentation**

### **Social Media**

Personnel assigned to FID's Cyber Unit searched the internet for any videos that captured the OIS. None were located.

### **Other Department Video**

There was no Department video related to the incident.

### **Outside Video**

There was no Outside video related to the incident.

### **Photographs**

Photographs related to the Administrative Investigation are stored under Control No. D0769168.

### **Notifications**

At 2152 hours, Van Nuys Patrol Division Watch Commander Lieutenant I Manuel Martinez, Serial No. 27419, notified FID Lieutenant II Damian Gutierrez, Serial No. 30050, of the NTUD.

### **Personnel at Scene**

At 2345 hours, FID Sergeant II Alex Fuentes, Serial No. 31421, was the first representative from FID to arrive at scene. Crime scene logs documenting additional personnel at the location are contained within the FID casebook and are available for review.

### **Communications**

A copy of the 911 printout relative to this incident, are on file in the FID case book. Additionally, the digital recording of the 911 call related to this incident are also stored in the case book at FID. The digitally recorded interviews of the involved officer and the civilian witness are stored in the Training Evaluation and Management System (TEAMS II) database (Addendum No. 9).

**Note:** According to the audio recording of the 911 call to the Los Angeles County Sheriff's Department, the call occurred at 2107 hours; however, the Los Angeles County Sheriff's Department incident history printout indicates 2109 hours.

## Investigator's Notes

1. Officer Sampson stated that he did not have the pistol in a holster because he left it in his vehicle. Officer Sampson explained that he rarely carry's that pistol and only uses it for situations such as this when he goes to the store. According to Officer Sampson, he does not carry this pistol on-duty.
2. Sampson's children were in bed in their bedroom with the door closed and were not witness to the NTUD. Due to children's young age, and no evidence of foul play they were not interviewed regarding this investigation.
3. The FID investigation revealed no evidence or history of domestic violence, depression, alcohol consumption or anger issues. According to Jasmine, she and Officer Sampson were very happy and excited at the news of learning Jasmine was pregnant. The statements provided by Officer Sampson and his wife, along with the deputies' report were consistent with the evidence.
4. Officer Sampson's weapon had been loaded with a mixture of ball ammunition as well as factory ammunition. According to Officer Sampson, he usually loads this pistol with ball ammunition to use at the firing range for practice. Officer Sampson recalled having two additional factory rounds left over from his last re-qualification and added them into this pistol's magazine along with the ball ammunition. According to Officer Sampson, he did not know why he decided to add them to the magazine that had ball ammunition but acknowledged that he should not have done it.
5. According to Officer Sampson, the shooting target hanging on the wall in the living room was placed there when he had gone through the academy. Officer Sampson explained that due to difficulty qualifying in the academy, he used to practice aiming and trigger presses at the target with an empty pistol. Officer Sampson indicated that he did not aim his pistol at the target on this occasion when he accidentally shot himself.

**Note:** According to Jasmine, Officer Sampson hung the target on the wall when he was in the academy, because he had trouble qualifying with the shotgun.

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## CHIEF OF POLICE REPORT<sup>7</sup>

### Chief of Police Findings

- The Chief recommended the following findings in this case:

**Tactics** – Tactical Debrief, Officer Sampson.

**Drawing/Exhibiting** – Does Not Apply.

**Unintentional Discharge** – Administrative Disapproval, Negligent Discharge, Officer Sampson.

### Chief of Police Analysis

#### **Detention**

- Does not apply.

#### **Tactics**

- *Department policy relative to a Tactical Debrief is: "The collective review of an incident to identify those areas where actions and decisions were effective and those areas where actions and decisions could have been improved. The intent of a Tactical Debrief is to enhance future performance" (Los Angeles Police Department Manual, Volume 3, Section 792.05).*

Officer Sampson's tactics were not related to the NTUD that occurred during this incident; therefore, they were not reviewed or evaluated. However, as Department guidelines require personnel who are substantially involved in a Categorical Use of Force incident attend a Tactical Debrief, the Chief determined that it would be appropriate to recommend a Tactics finding of Tactical Debrief.

During a review of this incident, the following Debriefing Point was noted:

- Firearms Manipulations – Four Basic Firearms Safety Rules.

#### **Additional Tactical Debrief Topics**

- **Utilization of a Holster** - Officer Sampson placed his loaded pistol into his right-front pants pocket without securing it in a holster. While the pistol was concealed, it was not contained in a manner to prevent the pistol from falling out or becoming accessible to unauthorized persons. This same pocket also contained additional items, including his debit card, police ID, and keys. These items could have

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<sup>7</sup> The information provided in this section summarizes the analysis and findings set forth in the Chief of Police's report for this case.

hindered his immediate access to the firearm. The Chief directed that this be a topic of discussion during the Tactical Debrief.

- **Approved Duty Ammunition** - Officer Sampson's weapon had been loaded with a mixture of ball practice ammunition and factory duty ammunition. According to Officer Sampson, he had two additional factory duty rounds left over from his last re-qualification attempt and added them into this pistol's magazine, which had contained ball practice ammunition, resulting in mixed ammunition. The ball practice ammunition was not approved by the Department for off-duty use. Officer Sampson acknowledged that this was an incorrect loading procedure. The Chief directed that this be a topic of discussion during the Tactical Debrief.
- **Ammunition Loading Standards** – Officer Sampson believed that his pistol had been loaded to full capacity, with a full magazine and one additional round in the chamber. The FID post incident firearm/magazine inspection revealed that Officer Sampson's pistol was not filled to capacity prior to the NTUD. The pistol's capacity was a maximum of nine rounds, including one in the chamber (full magazine of eight rounds, with an additional round in the chamber of the pistol). FID investigators recovered six live rounds of ball practice ammunition not authorized by the Department for on duty/off-duty use, and one Department-authorized duty round. One cartridge casing from a round of Department-authorized ammunition was also recovered. The total recovery of the seven live rounds, along with the single cartridge casing, indicated that Officer Sampson's pistol was not loaded to capacity with only a total of eight rounds. The Chief directed that this be a topic of discussion during the Tactical Debrief.

## **Tactical De-Escalation**

- *Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a suspect and enable an officer to have additional options to gain voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation.*

### *Tactical De-Escalation Techniques*

- *Planning*
- *Assessment*
- *Time*
- *Redeployment and/or Containment*
- *Other Resources*
- *Lines of Communication (Use of Force - Tactics Directive No. 16, October 2016, Tactical De-Escalation Techniques)*

Tactical de-escalation does not require that an officer compromise his or her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so.

In this case, Officer Sampson was off-duty, inside of his residence, at the time of this incident and he was not engaged in any tactical operations; therefore, Officer Sampson was not evaluated for Tactical De-escalation.

## **Command and Control**

- *Command and Control is the use of active leadership to direct others while using available resources to coordinate a response, accomplish tasks and minimize risk. Command uses active leadership to establish order, provide stability and structure, set objectives and create conditions under which the function of control can be achieved with minimal risk. Control implements the plan of action while continuously assessing the situation, making necessary adjustments, managing resources, managing the scope of the incident (containment), and evaluating whether existing Department protocols apply to the incident.*

*Command and Control is a process where designated personnel use active leadership to command others while using available resources to accomplish tasks and minimize risk. Active leadership provides clear, concise, and unambiguous communication to develop and implement a plan, direct personnel and manage resources. The senior officer or any person on scene who has gained sufficient situational awareness shall initiate Command and Control and develop a plan of action. Command and Control will provide direction, help manage resources, and make it possible to achieve the desired outcome. Early considerations of PATROL will assist with the Command and Control process (LAPD, Training Bulletin, Volume XLVII Issue 4, July 2018).*

*Incident Commander (IC) – In accordance with Department Policy, the IC sets the objectives, the strategy and directs the tactical response. Directing the tactical response means applying tactics appropriate to the strategy, assigning the right resources and monitoring performance (Supervisor's Field Operations Guide, Volume 2, LAPD Emergency Operations Guide).*

While waiting for emergency personnel to arrive, Officer Sampson called Van Nuys Watch Commander Lieutenant Martinez and advised him of the NTUD. Lieutenant Martinez advised Officer Sampson that someone was being sent out to investigate and Lieutenant Martinez made the appropriate notifications.

Lieutenant Martinez and Detective Briscoe responded to the incident together and located Officer Sampson where he was being treated at the hospital. Lieutenant Martinez assumed command and control of the incident and was the Incident Commander.

Officer Sampson had extensive surgery to repair the injuries he sustained during the incident. He was sedated and unable to effectively communicate in a coherent manner with either supervisor at scene. Because of these circumstances, a PSS was not obtained. Officer Sampson remained separated and monitored at the hospital by Lieutenant Martinez and Detective Briscoe until FID personnel arrived to

conduct their investigation; however, neither the Watch Commander's Daily Report nor a Sergeant's Daily Report indicated as such.

Overall, the actions of Lieutenant Martinez and Detective Briscoe were consistent with Department supervisory training and met the Chief's expectations of field supervisors during a critical incident.

### **Tactical Debrief**

- Each tactical incident also merits a comprehensive debriefing. In this case, there were identified areas where improvement could be made. A Tactical Debrief is the appropriate forum for the involved personnel to discuss individual actions that took place during this incident.

Therefore, the Chief directed Officer Sampson to attend a Tactical Debrief that shall include discussions pertaining to the above Debriefing Topics along with the following mandatory topics:

**Note:** Additionally, the Tactical Debrief shall also include the following mandatory discussion points:

- Use of Force Policy;
- Equipment Required/Maintained;
- Tactical Planning;
- Radio and Tactical Communication (including Code Six);
- Tactical De-Escalation;
- Command and Control; and,
- Lethal Force.

### **General Training Update (GTU)**

- On May 9, 2019, Officer Sampson attended a GTU. All mandatory topics were covered, including Firearm Manipulations.

### **Unintentional Discharge**

- *Firearms safety is critical. Officers must have the ability to draw, holster and manipulate weapons safely at all times, especially under stressful conditions. Firearms safety rules have been established based upon real life situations and are applicable at all times. Violations of any of the safety rules will not be tolerated.*

#### ***The Four Basic Firearm Safety Rules***

1. *All guns are always loaded.*
2. *Never allow the muzzle to cover anything you are not willing to shoot.*
3. *Keep your finger off the trigger until your sights are aligned on the target and you intend to shoot.*
4. *Be sure of your target.*

*Officers are required to know and apply the Four Basic Firearm Safety Rules throughout their careers. These rules must be ingrained into an officer's natural thought process and become second nature. Any violation of the Four Basic Firearm Safety Rules may result in the unintentional discharge of a round. This is a serious matter with the potential of having tragic results. For administrative purposes, the unintended discharge of a weapon is classified into two categories:*

- 1. Accidental discharge: An unintended discharge of a firearm as a result of a mechanical malfunction of the firearm, not involving the shooter.*
- 2. Negligent discharge: An unintended discharge of a firearm as a result of a shooter not handling a weapon in a safe manner, violating one or more of the four basic firearm safety rules (Los Angeles Police Department Firearms Manual, July 2015).*

***Administrative Disapproval - Negligent Discharge.*** *Finding where it was determined that the unintentional discharge of a firearm resulted from operator error, such as the violation of a firearm safety rule (Los Angeles Police Department Manual, Volume 3, Section 792.05).*

**Officer Sampson** – 9mm pistol, one round in a westerly direction.

Officer Sampson was going to put his pistol away and attempted to remove the pistol from his right-side pants pocket while he was sitting in the recliner chair. He leaned back, lifted and stretched his left leg out, and reached into his pocket using his right hand to remove the pistol. As Officer Sampson began to remove the pistol from his pocket, he pulled the trigger, unintentionally striking himself in the left leg, resulting in a NTUD. Officer Sampson believed he had placed his finger on the pistol's trigger due to a lack of respect for the weapon and not being focused. Officer Sampson acknowledged he was at fault and felt it was something that could have been prevented. Officer Sampson did not believe that there was a malfunction of the pistol.

*Officer Sampson recalled, I was sitting in the recliner chair. I had -- I was probably finished eating already, and I realized I had my gun inside my pocket still. At that point, I reached into my right-side pocket. I leaned back in the recliner. My leg was sticking up in such a manner, and I reached up. Once I pulled the gun out of my pocket, that's when I pulled the trigger, unintentionally striking myself in the left leg.<sup>8</sup>*

*I don't believe there was a malfunction of any sort with my weapon. I believe it was just a mistake I made. All -- it was on my -- on my part just not being cautious.<sup>9</sup>*

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<sup>8</sup> Sampson, Page 5, Lines 13-20

<sup>9</sup> *Id.*, Page 15, lines 2-5



When asked by FID investigators on why Officer Sampson placed his finger on the trigger, Officer Sampson responded:

**DETECTIVE FARIAS:** *Can you explain to us why your finger was on the trigger?*

**OFFICER SAMPSON:** *Just a lack of respect for the weapon. Just not being focused. It was definitely my fault. Definitely something that could have been prevented.*<sup>10</sup>

The UOFRB conducted a thorough review in evaluating the circumstances and evidence related to the NTUD. The UOFRB opined that although Officer Sampson was conscious of safety and stored his pistol in a lockbox to prevent unauthorized access, he did not carry the pistol in a safe manner, placing it into his pocket along with numerous other items. The UOFRB noted that the FID investigation indicated that there was no evidence of alcohol consumption by Officer Sampson prior to the NTUD, which may have caused him to be careless. The UOFRB also noted that Officer Sampson took full responsibility of the incident during his interview with FID investigators. The UOFRB determined that the NTUD was the result of operator error. Officer Sampson pulled his unholstered pistol from his pants pocket and while doing so, placed his finger on the trigger and discharged a round.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that Officer Sampson's action violated the Department's Basic Firearm Safety Rules, and therefore requires a finding of Administrative Disapproval (AD), Negligent Discharge. The Chief directed that this be a topic of discussion during the Tactical Debrief.

### **Additional**

- **Protocols Subsequent to a Categorical Use of Force Incident** - The FID investigation revealed that a separate Sergeant's Daily Report from Detective Briscoe detailing the supervisor's response to the scene was not located. Also, the Van Nuys Area Watch Commander's Daily Report, completed by Lieutenant Martinez, did not indicate a supervisor's response, nor the separation and monitoring of Officer Sampson. Captain Chandler is addressing this through the creation of a Supervisory Action Item (SAI), informal counseling and the issuance of a Comment Card. The Commanding Officer of Operations – Valley Bureau (OVV) and the Director of the Office of Operations (OO) concurred with this action. As such, the Chief deemed no further action is necessary.
- **Employment Status** - Officer Sampson resigned from the Department effective August 8, 2019.

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<sup>10</sup> *Id.*, Page 27, lines 23-25, Page 28, line 1

### **Audio/Video Recordings**

- **Digital In-Car Video System (DICVS)/Body Worn Video (BWV)** – Officer Sampson's NTUD occurred while he was off-duty; therefore, no DICVS or BWV were deployed or activated during this incident.
- **Outside Video** – No outside video surveillance captured the incident.

### **Chief's Direction**

- In order to enhance the future performance of Department personnel, the Chief directed the Commanding Officer of Personnel and Training Bureau (PTB) to work in coordination with the Office of Constitutional Policing and Policy (OCP) to clarify the Department's policy as it pertains to the requirement for an officer to secure an off-duty firearm in a holster or other secure manner when carrying the firearm. The Department's loading standards related to the loading of Department-approved ammunition to the full capacity of the firearm, specifically as they pertain to off-duty firearms, is to also be clarified. Department personnel are to be reminded of these requirements.<sup>11</sup>

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<sup>11</sup> Officer Sampson resigned from the Department effective August 8, 2019.

## **INSPECTOR GENERAL REVIEW**

### **Inspector General Analysis**

#### **Investigation Quality**

- No significant issues of concern were identified in relation to investigation quality.

#### **Training Issues**

- No significant issues of concern were identified in relation to training.

#### **Equipment Issues**

- No significant issues of concern were identified in relation to equipment.

#### **Detention**

- Does not apply.

#### **Tactical De-Escalation**

- Does not apply.

### **Inspector General Recommendations**

#### **Tactics**

- The OIG concurs with the Chief's findings.

#### **Drawing/Exhibiting**

- Does not apply.

#### **Unintentional Discharge**

- The OIG concurs with the Chief's findings.



Mark P. Smith  
Inspector General